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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,668	08/19/2003	Kenzou Kassai	4564	6432

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EXAMINER

CAMPBELL, KELLY E

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,668

Applicant(s)

KASSAI ET AL.

Examiner

Kelly E. Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed 8/17/2005 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Perego (US 4,819,958).

Perego teaches a folding baby carriage comprising: an open-state locking member (135) which locks an open state of a baby carriage by engaging with a carriage rod member (113); an operating member (155) which releases a lock in the open state of the baby carriage by moving said open-state locking member (135); and a stopper provided (134) so as to be operationally separate from said operating means (135), and movable between a first position in which it is directly in contact with said open-state locking member (135) to prohibit movement of said open-state locking member and a second position, see Figure 5, in which it is separate from said open-state locking member to allow the movement of said open-state locking member;

further comprising a forcing means (133) for forcing said stopper to be brought to said first position;

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wherein said stopper is brought to said first position by its own weight when the baby carriage is in the open state, see Column 3, lines 4-9;

the folding baby carriage according to claim 1, further comprising: a handrail member (113); a handrail supporting member rotatably (142) connected to a rear end of said handrail member; a rear leg (120) having a rear wheel, see Column 2, lines 18-19;

and wherein said open-state locking member is provided so as to be movable upward and downward along said handrail supporting member and prohibits movement of said reversing member by engaging with the reversing member at a lower position, and said stopper is supported by said handrail supporting member so as to be movable upward and downward and prohibits movement of said open state lock member by abutting on the open-state locking member at a lower position.

Allowable Subject Matter

Claims 4-5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not include a stopper which has an upper end rotatably connected to said handrail supporting member in combination with all of the limitations of the preceding claims or a reversing member having one end rotatably connected to said rear leg and the other end rotatably connected to said handrail

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supporting member and performing a reversing operation in accordance with transition from the open state to a closed state of the baby carriage.

Response to Arguments

Applicant's arguments filed 8/17/2005 have been fully considered but they are not persuasive. With regards to applicant's arguments that Perego does not disclose a *"stopper" that prohibits movement of a locking member to its unlocked position;*

The Examiner notes that the stopper (158) referenced by the applicant, was not recited in the non-final rejection mailed 10/19/2004. The examiner notes that the stopper is identified as member (134) which is a stop directly in contact with open-state locking member (135) to prohibit movement of the open-state locking member. This arrangement holds the stroller stable in the open position, see Column 2, lines 24-28.

The stopper (134) is thus holding the open-state locking member (135) in locked position and by prohibiting movement of the open-state locking member (135), the stopper is also prohibiting the locking member from moving to an "un-locked" position.

The locking member (135) must be manually released by a user and the stopper un-engaged as disclosed in Column 2, lines 51-65. Clearly, if the stop (134) prevents movement of the locking member (135) to an un-locked position until a user manually releases the stop, then that stopper is "blocking" movement of the locking member to an un-locked position.

A stop is defined as "something that impedes, obstructs or brings to halt, per Merriam-Webster's Collegiate dictionary 10th Edition, thus the element, pin or stop (134)

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fulfills the definition of a stop for the purpose of interpreting the claim limitations of applicant's invention.

The applicant's arguments drawn to the tongue element (158) do not pertain to the Examiner's rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

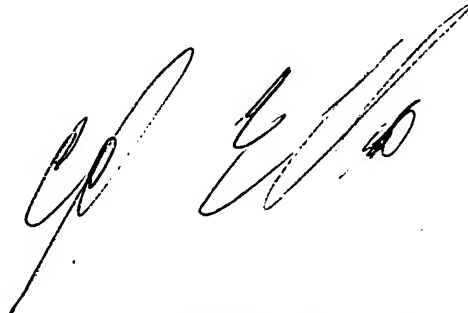
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KEC



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